

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

FRESH PRODUCTS, INC.,

Plaintiff,

v.

IMPACT PRODUCTS, LLC,

Defendant.

Case No. 3:19-cv-02109-JZ

Hon. Jack Zouhary

Jury Trial Demanded

**JOINT NOTICE OF ADDITIONAL AGREED-UPON
CLAIM CONSTRUCTIONS**

Consistent with the Court's telephonic status call on October 14, 2020 (Dkt. 67), the parties jointly submit this Notice of Amended Agreed and Disputed Claim Constructions. On September 8, 2020, the parties submitted their Joint Claim Construction and Prehearing Statement (Dkt. 66), Agreed Constructions (Dkt. 66-1) and Disputed Constructions (Dkt. 66-2). The parties have now reached additional agreements regarding claim construction.

First, regarding the construction of "urinal screen" wherever the term acts as a claim limitation, the parties have agreed that the construction shall be "a screen used in a urinal and through which urine passes." The parties continue to disagree over whether "urinal screen" is a claim limitation as opposed to non-limiting preamble language as used in claim 19 of the '098 Patent and its dependents (with the exception of claim 22).

Second, regarding the construction of "reversible," the parties have agreed that the construction shall be "adapted to be reversed such that either side is usable as the top side or bottom side."

Accordingly, attached as **Exhibit A** is an amended listing of the constructions of those terms on which the parties agree. Attached as **Exhibit B** is an amended listing of each party's proposed construction of each disputed term, together with an identification of all references from the intrinsic evidence that supports that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of all witnesses including experts.

Dated: October 28, 2020

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically this 28th day of October, 2020. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Steven G. Hill

Steven G. Hill

Counsel for Defendant Impact Products, LLC